

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA, : :

Plaintiff, : CASE NO. 2:19 CR 00202

v. : JUDGE WATSON

THOMAS J. ROMANO, : :

Defendant. : :

MOTION FOR CONTINUANCE

Defendant Thomas J. Romano, through undersigned counsel, respectfully moves the Court for an Order continuing the jury trial set to begin on March 14, 2022 in the above-captioned case. The reasons in support of this Motion are set forth more fully in the following Memorandum.

Respectfully submitted,

/s/ Samuel H. Shamansky
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Counsel for Defendant

MEMORANDUM

Jury trial is scheduled to begin in this matter on March 14, 2022, at 9:00 a.m. However, Defendant submits that the consolidated cases of *Ruan v. United States* and *Kahn v. United States*, Nos. 20-1410 and 21-5261, presently pending before the United States Supreme Court have the potential to alter the applicable legal standards in this case, specifically the nature of the “good faith” defense as it relates to Dr. Romano’s mental state. Defendant respectfully submits that it would be in the interest of justice to postpone trial in the instant matter until after the Supreme Court renders its decision and clarifies the appropriate scope of the “good faith” defense. Counsel submits that this Motion is not made for the purpose of needlessly delaying the resolution of this case. Rather, pursuant to 18 U.S.C. 3161(h)(7)(A), “the ends of justice served by taking such action outweigh the best interests of the public and the Defendant in a speedy trial.”

Accordingly, based on the foregoing, Defendant respectfully moves the Court for an Order continuing the jury trial to a date and time convenient to the Court.

Respectfully submitted,

/s/ **Samuel H. Shamansky**
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Counsel for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was filed with the Clerk of Court for the United States District Court for the Southern District of Ohio using the CM/ECF system, which will send notification of such filing to Christopher Jason, Trial Attorney, Fraud

Section, Appalachian Regional Prescription Opioid Strike Force, 303 Marconi Boulevard, 2nd Floor, Columbus, Ohio 43215 on March 10, 2022.

/s/ Samuel H. Shamansky
SAMUEL H. SHAMANSKY